

504 with respect to employment according to the procedures established by the Equal Employment Opportunity Commission in 29 CFR part 1613 pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

(c) The Executive Director shall be responsible for coordinating implementation of this section. Complaints may be sent to the General Counsel, Pennsylvania Avenue Development Corporation, 1331 Pennsylvania Avenue, NW., Suite 1220 North, Washington, DC 20004-1730.

(d) The agency shall accept and investigate all complete complaints for which it has jurisdiction. All complete complaints must be filed within 180 days of the alleged act of discrimination. The agency may extend this time period for good cause.

(e) If the agency receives a complaint over which it does not have jurisdiction, it shall promptly notify the complainant and shall make reasonable efforts to refer the complaint to the appropriate government entity.

(f) The agency shall notify the Architectural and Transportation Barriers Compliance Board upon receipt of any complaint alleging that a building or facility that is subject to the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151-4157), or section 502 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 792), is not readily accessible to and usable by handicapped persons.

(g) Within 180 days of the receipt of a complete complaint for which it has jurisdiction, the agency shall notify the complainant of the results of the investigation in a letter containing—

(1) Findings of fact and conclusions of law;

(2) A description of a remedy for each violation found; and

(3) A notice of the right to appeal.

(h) Appeals of the findings of fact and conclusions of law or remedies must be filed by the complainant within 90 days of receipt from the agency of the letter required by §909.170(g). The agency may extend this time for good cause.

(i) Timely appeals shall be accepted and processed by the head of the agency.

(j) The head of the agency shall notify the complainant of the results of

the appeal within 60 days of the receipt of the request. If the head of the agency determines that additional information is needed from the complainant, he or she shall have 60 days from the date of receipt of the additional information to make his or her determination on the appeal.

(k) The time limits cited in paragraphs (g) and (j) of this section may be extended with the permission of the Assistant Attorney General.

(l) The agency may delegate its authority for conducting complaint investigations to other Federal agencies, except that the authority for making the final determination may not be delegated to another agency.

[51 FR 22894, 22896, June 23, 1986, as amended at 51 FR 22894, June 23, 1986]

§§ 909.171-909.999 [Reserved]

PART 910—GENERAL GUIDELINES AND UNIFORM STANDARDS FOR URBAN PLANNING AND DESIGN OF DEVELOPMENT WITHIN THE PENNSYLVANIA AVENUE DEVELOPMENT AREA

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AUTHORITY: Sec. 6(8) Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 875(8)).

SOURCE: 48 FR 36642, Aug. 23, 1982, unless otherwise noted.

Subpart A—General

§910.1 Policy.

(a) The Pennsylvania Avenue Development Corporation Act of 1972, Pub. L. 92-578, October 27, 1972, (the *Act*), (40 U.S.C. 871 *et seq.*) established the Pennsylvania Avenue Development Corporation (the *Corporation*) with jurisdiction over the Pennsylvania Avenue Development Area (*Development Area*). The Development Area is generally described as an area in Washington DC, bounded by Pennsylvania Avenue, NW., on the south, East Executive Drive on the west, 3rd Street, NW., on the east, and E and F Streets, NW., on the north.

(b) Prior to creation of the Corporation, the deterioration of the Development Area had an adverse impact upon the physical, economic, and social life of Washington, DC. The Corporation was created as the vehicle to develop, maintain, and use the Development Area in a manner suitable to its ceremonial, physical, and historic relationship to the legislative and executive branches of the Federal government, to

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the governmental buildings, monuments, memorials, and parks in and adjacent to that area, and to the downtown commercial core of Washington, DC. The Corporation was directed to prepare a development plan for the Development Area and to submit that plan to the United States Congress. Congress accepted that plan and directed its implementation by the Corporation. The Corporation through a broad range of statutory powers has begun this implementation process.

(c) The Pennsylvania Avenue Plan—1974, as amended (*the Plan*) is a blueprint for social, economic, and architectural rejuvenation of the Development Area. Its goal is to make the Development Area once again a relevant and contributing element of Washington, DC. With the implementation of *the Plan*, the Development Area will become a showpiece of the Nation's Capital, proudly displaying the successful joint efforts of the Corporation, other Federal and District of Columbia government agencies, and private entrepreneurs.

(d) *The Plan*, containing the goals and objectives for *development*, is supplemented by various adopted policies and programs of the Corporation. *The Plan*, in conjunction with these policies and programs, represents the basis upon which the *development* and rejuvenation of the Development Area will proceed, whether publicly or privately inspired and accomplished. These policies and programs amplify, elaborate, and refine the planning and urban design concepts expressed in *the Plan*.

§910.2 Purpose.

(a) Implementation of *the Plan* occurs through two component actions: public improvements construction and square development. Public improvements construction consists of implementation by the Corporation of the Public Improvements Program which is a comprehensive plan for the design and construction of public amenities in public spaces and selected thoroughfares within the Development Area. This program outlines the details of roadway and sidewalk improvements, public space configuration, and pedestrian amenities. Square development consists of design and construction of

development projects primarily on city blocks, known as squares, within the Development Area. These *development* projects are generally pursued by private entrepreneurs with varying degrees of participation and involvement by the Corporation, through such means as land assemblage and leasing.

(b) This part 910, together with the *Square Guidelines* applicable to the *coordinated planning area*, pertains solely to square development and specifies the controlling mechanism for implementation of *the Plan* required by Chapter Six of *the Plan*.

§910.3 Program administration.

(a) This part 910, together with *Square Guidelines*, described below, provides interested parties with the urban planning and design information sufficient to understand and participate in the process of square development within the Development Area.

(1) This part 910, General Guidelines and Uniform Standards for Urban Planning and Design of Development, sets forth the general planning and design goals and objectives which govern the implementation of *the Plan*, specifies standards which are uniformly applicable to all *developments* throughout the Development Area, and provides a glossary of defined terms applicable to this part as well as *Square Guidelines*.

(2) *Square Guidelines* specifies detailed urban planning and design requirements and recommendations which are applicable to each particular *coordinated planning area*, a *coordinated planning area* being a square, a portion of a square, or a combination of squares. These requirements and recommendations set forth intentions and refinements of *the Plan* in light of the identified Planning and Design Concerns specified in subpart B of this part 910. Each set of *Square Guidelines* is adopted by the Board of Directors, issued by the Chairman, and is available, upon request, at the Corporation's office.

(3) *Square Guidelines* are developed in the context of the existing environment. Several provisions in the *Square Guidelines* are, therefore, established on the basis of certain assumptions in terms of existing buildings, a particular traffic pattern and roadway configuration, a market condition for a

particular land use, etc. In the event of a major change or casualty which would render it impossible or impracticable to meet certain requirements of *Square Guidelines*, the Corporation would expect to develop and issue up-to-date *Square Guidelines*. This statement does not, of course, preclude the Corporation from issuing amendments to *Square Guidelines* from time to time on any other basis.

(b) Pursuant to section 7(b) of the Act, each proposal for *development* within the Development Area must be submitted to the Corporation to determine its consistency with *the Plan*. The Corporation's adopted development policy, entitled "Development Policies and Procedures," sets forth the process for this determination. In determining whether a *development* proposal is consistent with *the Plan*, the Corporation shall review the proposal against all adopted Corporation programs, policies, and regulations, including:

- (1) This part 910.
- (2) Square Guidelines.
- (3) Development Policies and Procedures.
- (4) Historic Preservation Plan.
- (5) Energy Guidelines.
- (6) Side Street Improvements Program.
- (7) Policy on Environmental Quality and Control (36 CFR part 907).
- (8) Pennsylvania Avenue Lighting Plan.
- (9) Public Improvements Program.
- (10) Affirmative Action Policy and Procedure (36 CFR part 906).
- (11) Policy and Procedures to Facilitate Successful Relocation of Businesses and Residents within the Pennsylvania Avenue Development Area.
- (12) All other programs, policies, and regulations that may be approved and adopted by the Board of Directors from time to time.

(c) Pursuant to the Act, Federal and District of Columbia agencies and departments may exercise such existing authority and lawful powers over urban planning and design features of *development* as are consistent with *the Plan*. No department or agency may release, modify, or depart from any feature of *the Plan* without the prior approval of the Corporation.

Subpart B—Urban Planning and Design Concerns

§910.10 General.

To facilitate review of each *development* proposal in light of the identified urban planning and design goals of *the Plan*, the following urban planning and design concerns will be the basis upon which the evaluation of such proposals will be made. These concerns are also more specifically reflected in subpart C of this Rule, and in the requirements and recommendations in *Square Guidelines*.

- (a) Comprehensive planning and design;
- (b) Development density;
- (c) Urban design of Washington, DC;
- (d) Historic preservation;
- (e) New development design;
- (f) Land use;
- (g) Pedestrian circulation systems;
- and
- (h) Vehicular circulation and storage systems.

§910.11 Comprehensive urban planning and design.

(a) All new *development* is conceived as an integral part of its surroundings, which include the remainder of the Development Area, the Mall, the Federal Triangle, and the District's downtown, and should support Pennsylvania Avenue's function as a bridge between the monumental Federal core to the south and the District's downtown to the north.

(b) All *development* shall be planned and designed to accommodate the requirements and needs of historic preservation, affirmative action, business relocation, and other concerns which will affect the overall planning and design of a *development*.

(c) The design of any *development* shall take into account *the Plan's* proposed future treatment of buildings, squares, and pedestrian spaces in the immediate surrounding area.

(d) The design of any *development* shall be coordinated with the massing, architectural design, servicing, pedestrian amenities, and uses of nearby *development* as prescribed under *the Plan*.

(e) Any *development* adjacent to F Street, NW. shall be accomplished in a

manner that will strengthen F Street as a retail core of Washington, DC.

(f) Any *development* along Pennsylvania Avenue shall be designed so as to support the transformation of the Avenue into an attractive and pleasant place for residents and visitors alike, offering pleasant places to stroll, rest, sit and talk, eat, and shop.

(g) All *development* within a *coordinated planning area* shall, to the maximum extent possible, be integrated with regard to the off-street loading and servicing, pedestrian features.

§910.12 Development density.

(a) Land would be developed to the fullest extent appropriate in terms of uses, economics, and design so that the city's economic life and tax base can be enhanced.

(b) New *development* shall be designed to achieve maximum development density within the building envelope delineated by specific height restrictions, but shall also establish a compatible and appropriate scale for historic preservation, residential and other uses, and other urban design elements.

(c) Development density is limited by the Zoning Regulations of the District of Columbia and may be further restricted by the Corporation in specific *coordinated planning areas*, provided that any lower density would be economically feasible. Generally, *the Plan* is structured to create high density *development* west of the FBI and lower density *development* east of the FBI.

(d) The density of new *development* should bring new economic life—jobs, shopping, and business opportunities—to Pennsylvania Avenue, while also reinforcing existing activity both on the Avenue and in the adjacent downtown, both within and beyond the Development Area.

§910.13 Urban design of Washington, DC.

(a) Pennsylvania Avenue's unique role as the physical and symbolic link between the White House and the U.S. Capitol should be reinforced by new *development* along it.

(b) To reinforce and enrich the legacy of the L'Enfant Plan, the primary function of new *development* in the Development Area is to define open spaces and

plazas, or to reinforce vistas along major streets and thoroughfares.

§ 910.14 Historic preservation.

(a) The Development Area is located almost entirely within the Pennsylvania Avenue National Historic Site, which was established to preserve the exceptional values of Pennsylvania Avenue and its environs in commemorating or illustrating the history of the United States. The Pennsylvania Avenue Area achieves national historic significance because of both its ceremonial role in the life of the nation and its social and economic role in the life of the residents of Washington for more than a century.

(b) The Historic Preservation Plan of the Corporation sets forth the adopted policy of the Corporation on historic preservation and *development* within the Development Area must be consistent with this policy.

(c) New construction adjacent to historic structures will be required to take into account the qualities of the adjacent structures (with regard to height, scale, proportion, rhythm, texture, materials, architectural detail, and the amount of variety among the structures with respect to these qualities as well as style and date of erection) to ensure that these structures maintain their historic or architectural integrity, but will not necessarily be required to conform to them.

(d) Wholly new construction and new construction in conjunction with preservation will, where appropriate, take into account the historic buildings to remain, aiming for the highest quality of contemporary design, consistent with the goals and objectives of the Historic Preservation Plan.

§ 910.15 New development design.

(a) All new *development* shall represent the best contemporary architectural and urban planning concepts.

(b) Where new *development* includes or relates to historic or architecturally meritorious buildings which are to be preserved, the design of the new *development* should be aimed at retaining as much of the significant fabric of the Development Area as is possible consistent with the goals of the *Plan*.

§ 910.16 Land use.

(a) *Development* within the Development Area shall provide, and stimulate in neighboring areas, more lively and varied shopping, cultural, entertainment, and residential opportunities, as well as high quality office uses.

(b) That portion of the Development Area west of the FBI Building is designated for commercial *development*, primarily office and hotel uses with attendant retail and service uses. That portion of the Development Area east of the FBI Building is designated for *development* with residential uses, office, institutional and entertainment uses supported by service and retail uses.

(c) The kinds of uses and their location within the Development Area shall be directly related to creating a lively atmosphere and to promoting an active street life throughout the day, evening, and weekend.

(d) Introduction or expansion of retail uses shall be encouraged as both reinforcement of existing retail uses and creation of new retail activities.

(e) While recognized as important to the commercial life of any inner city, uses that do not generate lively activities are discouraged from locating along those street fronts within the Development Area which are considered major pedestrian thoroughfares.

§ 910.17 Pedestrian circulation system.

(a) An efficient, pleasant, and stimulating pedestrian circulation system shall be developed to link the components of the Development Area with the Mall and the city's downtown.

(b) Pedestrian circulation systems shall be designed to provide pedestrian comfort and convenience, to create more linear footage of *storefront*, to encourage recognition of the location of various METRO stops or other mass transit locations, and to link various historic and architecturally significant buildings, sites, and monuments which are scattered throughout and beyond the Historic Site.

(c) Curb cuts across the north sidewalk areas of Pennsylvania Avenue shall be prohibited in order to reinforce its importance as the major pedestrian thoroughfare of the Development Area.

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§910.18 Vehicular circulation and storage systems.

(a) Improvement of the existing vehicular storage and circulation system is necessary in order to create the balanced transportation system called for in *the Plan*, which recognizes the need to maintain air quality, to encourage the use of mass transit, and to provide sufficient off-street parking and loading to make development economically viable.

(b) The general policies of the Corporation are as follows:

(1) To reduce impedance to traffic movement created by service vehicles by requiring well-integrated off-street loading facilities in terms of location of loading berths and access points on a block-by-block basis;

(2) To control the number of vehicles in the Development Area by limiting the number of parking spaces per *development*; and

(3) To encourage the use of public transportation by linking new *development* to transit stops through the system of pedestrian ways.

Subpart C—Standards Uniformly Applicable to the Development Area

§910.30 General.

In addition to the specific requirements and recommendations contained in *Square Guidelines* for the applicable *coordinated planning area*, the Standards set forth in this subpart C are uniformly applicable to any *development* within the Development Area.

§910.31 High architectural quality.

Development must maintain a uniformly high standard of architecture, representative of the best contemporary design and planning concepts. Great care and sensitivity must be shown in the architectural treatment of new buildings, particularly in terms of massing, facade design (including materials, composition, and detailing), the ground floor and sidewalk pedestrian environment, interior public spaces, and provisions for pedestrian and vehicular access. Special design considerations for each *coordinated*

planning area are set forth in *Square Guidelines*.

§910.32 Historic preservation.

Rehabilitation of buildings within the Development Area, which, according to *the Plan* and the Historic Preservation Plan of the Corporation, are specified for preservation, shall be accomplished (a) in accordance with the Secretary of the Interior's "Standards for Historic Preservation Projects": (36 CFR part 68), and (b) consultation with the State Historic Preservation Officer for the District of Columbia.

§910.33 Off-street parking.

(a) Off-street parking as a principal use is prohibited, although off-street parking as an accessory use in a *development* (such as a below-grade parking garage) is permitted.

(b) All parking spaces shall be located below grade level.

(c) The minimum number of parking spaces shall be provided in accordance with DC Zoning Regulations.

(d) The maximum number of parking spaces permitted by PADC for a *development* may not exceed the aggregate of the number of spaces allowed for each use within the *development*. The schedule of limitations for parking spaces is as follows:

(1) Hotel: One parking space for each four sleeping rooms or suites;

(2) Places of public assemblage other than hotels: (i.e., arena, armory, theater, auditorium, community center, convention center, concert hall, etc.) one parking space for each ten seats of occupancy capacity for the first 10,000 seats plus one for each 20 seats above 10,000: Provided, that where seats are not fixed, each seven square feet of *gross floor area* usable for seating shall be considered one seat;

(3) Retail, trade, and service establishments: one parking space for each 750 square feet of *gross floor area*;

(4) Residential: One parking space for each 1.2 units;

(5) Offices: One parking space for each 1,800 square feet of *gross floor area*.

§ 910.34 Accommodations for the physically handicapped.

(a) Every *development* shall incorporate features which will make the *development* accessible by the physically handicapped. The standards in the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," published by the American National Standards Institute, Inc. (ANSI A 117.1-1961 (1971)), are recommended.

(b) Where a *development* includes a historic structure, the Advisory Council on Historic Preservation's policy, "Supplementary Guidance—Handicapped Access to Historic Properties," (45 FR 9757, Feb. 13, 1980), should be observed.

§ 910.35 Fine arts.

Fine arts, including sculpture, paintings, decorative windows, bas-reliefs, ornamental fountains, murals, tapestries, and the like, should be included in each *development*. PADC encourages commissions for original works of art which are appropriate for the *development*. For information and guidance, a reasonable expenditure for fine arts is deemed to be one half of one percent of the total construction cost of the *development*.

§ 910.36 Energy conservation.

All new *development* shall be designed to be economical in energy consumption. The Energy Guidelines of the Corporation, and the District of Columbia Energy Conservation Code Act of 1979 and its implementing regulations set forth the appropriate standards to be observed.

§ 910.37 Fire and life safety.

As a complementary action to satisfying required District of Columbia codes related to fire safety, it is highly recommended that all new *development* be guided by standards of the NFPA Codes for fire and life safety and that all buildings be equipped with an approved sprinkler system.

§ 910.38 Building exterior illumination.

Exterior illumination of a building shall be in conformance with the stand-

ards specified in the Pennsylvania Avenue Lighting Plan of the Corporation.

Subpart D—Glossary of Terms

§ 910.50 General.

The definitions appearing in this Glossary of Terms are applicable to this part 910 and to the *Square Guidelines*. In addition, definitions appearing in section 1201 of the Zoning Regulations of the District of Columbia are also applicable. Where a conflict between this subpart and section 1201 of the Zoning Regulations arises in terminology or interpretation, this subpart shall be controlling.

§ 910.51 Access.

Access, when used in reference to parking or loading, means both ingress and egress.

§ 910.52 Buildable area.

Buildable area means that portion of the established *development parcel* which can be devoted to buildings and structures. Generally, this area is bounded by any applicable *building restriction lines*, right-of-way lines and *development parcel lines*. It shall be the *buildable area* of a *development parcel* rather than "lot," as it is established in the DC Zoning Regulations, that will be utilized to establish the maximum *gross floor area* of a *development* within specified portions of the Development Area.

§ 910.53 Building restriction line.

Building restriction line means a line beyond which an exterior wall of any building of a *development* may not be constructed or project, except that architectural articulation, minor architectural embellishments, and sub-surface projections are permitted.

§ 910.54 Build-to height.

Build-to height means a specified minimum *height of development* to which the exterior wall of a building in a *development* must rise. Minor deviations from the *build-to height* for architectural embellishments and articulations of the cornice and roof level are permitted, unless otherwise prohibited by the applicable Square Guidelines or the

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District of Columbia's codes and regulations.

§910.55 Build-to line.

Build-to line means a line with which the exterior wall of a building in a *development* is required to coincide. Minor deviations from the *build-to line* for such architectural features as *weather protection*, recesses, niches, ornamental projections, entrance bays, or other articulations of the facade are permitted, unless otherwise prohibited by the applicable *Square Guidelines* or the District of Columbia's codes and regulations.

§910.56 Coordinated planning area.

Coordinated planning area means a Square, portion of a Square, or group of Squares that is composed of one or more *development parcels* and is treated as a unit under *Square Guidelines* in order to achieve comprehensive planning and design.

§910.57 Curb-cut.

Curb-cut means that portion of the curb and sidewalk over which vehicular access is allowed. The number of *access lanes* for each *curb-cut* shall be specified in each set of *Square Guidelines*.

§910.58 Development.

Development means a structure, including a building, planned unit development, or project resulting from the process of planning, land acquisition, demolition, construction, or *rehabilitation* consistent with the objectives and goals of *the Plan*.

§910.59 Development parcel.

Development parcel means an area of land established by the Corporation to be a minimum site on which a *development* may occur under *the Plan* and any applicable *Square Guidelines* adopted by the Corporation. A *development parcel* does not need to be under the ownership of a single individual or entity. A proposal for a *development parcel* may be formulated by any number of individuals or entities, so long as it accommodates the needs and requirements of affirmative action, historic preservation and other policies of the Corporation, and at the same time responds to the goals of comprehensive planning

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and design for that particular *coordinated planning area*.

§910.60 Gross floor area.

Gross floor area is defined in section 1201, Zoning Regulations of the District of Columbia and generally means the sum of the gross horizontal areas of the several floors from the ground floor up of all buildings of a *development* occurring on a lot. *Gross floor area* shall be measured from the exterior faces of exterior walls and from the center line of walls separating two buildings.

§910.61 Height of development.

Height of development means the vertical distance measured from a specified point at the curb level to the highest point of the roof or parapet of the *development*, whichever is higher, exclusive of all *roof structures* except as otherwise specified.

§910.62 The Plan.

The Plan means The Pennsylvania Avenue Plan—1974, as amended, and prepared pursuant to Pub. L. 92-578, 86 Stat. 1266 (40 U.S.C. 871), and the document which sets forth the *development* concepts upon which this part 910 and *Square Guidelines* are based.

§910.63 Rehabilitation.

Rehabilitation means the process of adapting improvements on real property to make possible an efficient contemporary use achieved by means of a combination of construction, repair, or alteration, as well as *restoration* and *replication* of those portions and features of the property that are significant to its historic, architectural, and cultural values, consistent with the goals and objectives of *the Plan*.

§910.64 Replication.

Replication means the process of using modern methods and materials to reproduce the exact form and details of a vanished building, structure, object, or portion thereof, as it appeared at a particular period of time, and consistent with the objectives and goals of *the Plan*.

§ 910.65 Restoration.

Restoration means the process of accurately recovering the form and details of a property as they appeared at a particular period of time by means of removal of later work and the replacement of missing original work, consistent with the objectives and goals of the Plan.

§ 910.66 Sidewalk setback.

Sidewalk setback means that area between a *building restriction line* and the right-of-way of a street into which projections except architectural articulations, minor architectural embellishments, and subsurface structures, are prohibited. The area is to be dedicated to open space activities related to the public improvements program of the Pennsylvania Avenue Development Corporation. Subsurface structures may intrude into the area if they are in compliance with the *Square Guidelines*.

§ 910.67 Square guidelines.

Square Guidelines establish the Corporation's specific intent with regard to design and development objectives

relative to each individual *coordinated planning area*.

§ 910.68 Storefront.

Storefront means the street level frontage relating to a single establishment.

§ 910.69 Structural bay.

Structural bay means the distance or span from one vertical structural member fronting on a street to the immediately adjacent vertical structural member fronting on the same street.

§ 910.70 Vault.

A *vault* means an enclosure of space beneath the surface of the public space or *sidewalk setback*, except that the term *vault* shall not include public utility structures.

§ 910.71 Weather protection.

Weather protection means a seasonal or permanent shelter to protect pedestrians from sun or precipitation, consisting of arcades, canopies, awnings, or other coverings.

PARTS 911–999 [RESERVED]